

AMENDMENTS TO THE CLAIMS

1-12. (Canceled).

13. (Currently Amended) A distraction and damping device, comprising:

a first rod member having a first end;

a second rod member have a second end;

a mechanical coupler connecting the first rod member to the second rod member and allowing adjustment of a distance between the first end of the first rod member and the second end of the second rod member to straighten the spine of a patient; and

a first damping member, having a first end coupled to the first end of the first rod member and a second end configured to be coupled to a first bone structure,

wherein the first rod member can pivot within the first damping member to adjust the alignment of the first rod member with respect to a longitudinal axis of the first damping member, and wherein at least one of the first rod member and the second rod member is curved along its entire length.

14. (Previously Presented) The device of claim 13 wherein the first damping member comprises:

a rigid cylinder;

a first elastic member disposed within the rigid cylinder; and

a second elastic member disposed within the rigid cylinder, wherein the first end of the first rod member includes an enlarged distal portion disposed between the first elastic member and second elastic member.

15. (Previously Presented) The device of claim 13, wherein at least one of the first rod member and the second rod member is serrated.

16. (Currently Amended) The device of claim 13, wherein at least one of the first rod member and the second rod member are constructed from a malleable material and the curvature of the at least one of the first rod member and the second rod member can be adjustedis curved.

17. (Currently Amended) The device of claim 13, wherein ~~at least one of the~~ first rod member and the second rod member are both curved.

18. (Previously Presented) The device of claim 13, wherein the second end of the first damping member is configured to be coupled to a vertebra.

19. (Previously Presented) The device of claim 13, wherein the second end includes a hook member configured to engage a rib.

20. (Previously Presented) The device of claim 13, further comprising:
a second damping member, having a first end coupled to the second end of the second rod member and a second end configured to be coupled to a second bone structure.

21. (Previously Presented) The device of claim 20 wherein the second damping member comprises:

a rigid cylinder;

a first elastic member disposed within the rigid cylinder; and

a second elastic member disposed within the rigid cylinder, wherein the second end of the second rod member includes an enlarged distal portion disposed between the first elastic member and second elastic member.

22. (Previously Presented) The device of claim 20, wherein the second end of the second damping member is configured to engage a rib.